

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/09/2019

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HYE SUN KANG,

Plaintiff,

-against-

L'OREAL USA, INC., AND
BLOOMINGDALE'S, INC.,

Defendants.
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18-CV-11682 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on November 19, 2019, Plaintiff moved for contempt or sanctions pursuant to Rule 45(g) of the Federal Rules of Civil Procedure, against a non-party, Janai Edwards, Pl. Mem. of Law (Dkt. 49) at 6;

WHEREAS Ms. Edwards failed to appear for a deposition despite having been served with a subpoena noticing the deposition, which was to take place on October 28, 2019, at 10:00 A.M., *see* Kim Decl. (Dkt. 50), Exs. F, G;

WHEREAS on November 20, 2019, the Court ordered Ms. Edwards to file an opposition to Plaintiff's motion, no later than December 4, 2019, if she is unable to agree on a time and place for the deposition, Dkt. 53;

WHEREAS Plaintiff has filed proof of service of the Court's Order, Dkt. 57; and

WHEREAS the Court has not been informed of a resolution, and no opposition to Plaintiff's motion has been received from Ms. Edwards;


IT IS HEREBY ORDERED THAT non-party witness Janai Edwards shall appear for a deposition not later than **December 31, 2019**, at a time and place mutually agreeable to the parties and Ms. Edwards. Ms. Edwards is warned that her failure to comply with this Order may

subject her to sanctions pursuant to Rule 45(g) of the Federal Rules of Civil Procedure, including an order by the Court that she pay Plaintiff's reasonable expenses, including attorney's fees, caused by her failure to comply with the subpoena and the Court's order(s). Ms. Edwards' non-compliance may also result in a finding of contempt and subject her to arrest.

The Clerk of Court is respectfully requested to terminate the pending motion at docket entry 48. The Clerk is further instructed to mail a copy of this Order to Janai Edwards at 634 SHEPHERD AVE, BROOKLYN, NY 11208, which Plaintiff has represented to be Ms. Edwards' last known address.

SO ORDERED.

Date: December 9, 2019
New York, New York


VALERIE CAPRONI
United States District Judge